



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
JOINT FORCE HEADQUARTERS
OFFICE OF THE ADJUTANT GENERAL - CALIFORNIA NATIONAL GUARD
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CAJS-J1-MH

14 July 2009

MEMORANDUM FOR COMMANDERS, CALIFORNIA ARMY NATIONAL GUARD

SUBJECT: Letter of Instruction for Referral of Service members for Mental Health Evaluations

1. REFERENCES:

- a. MEDCOM Regulation No. 40-38, "Command Directed Mental Health Evaluation," 1 June 1999.
- b. DoDD 6490.1, "Mental Health Evaluations of Members of the Armed Forces," 1 October 1997.
- c. DoDI 6490.4, "Requirements for Mental Health Evaluations of Members of the Armed Forces," 28 August 1997.
- d. AR 635-200, "Enlisted Personnel," 26 June 1996.
- e. Section 546 of Public Law 102-484, "National Defense Authorization Act for Fiscal Year 1993," 23 October 1992.
- f. DoD Directive 7050.6, "Military Whistleblower Protection," 12 August 1995.

2. BACKGROUND:

a. Military commanders may order individuals for evaluation of emotional disturbances or for specific actions as part of an administrative or legal action (e.g. IAW AR 635-200, Chapter 5-13, 14, or 15 separations). Commanders are prohibited from referring a Service member for a mental health evaluation as a reprisal for making or preparing a lawful communication to a Member of Congress, any appropriate authority in the Service member's Chain of Command, an Inspector General, or a member of a DoD audit, inspection, investigation, or law enforcement organization.

b. A Command referral is required if the commander desires feedback or information about the evaluation. Information about the Service member will not be released to the Command without the completed request. **However, exclusions include concerns about life-threatening ideation, immediate need for hospitalization, violations of the UCMJ, or at the Service member's request. Commanders will contact their local law enforcement agency or emergency room in emergent mental health cases.**

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3. PROCEDURE:

Commanders will:

a. Consult with a military mental health provider before referring a Service member for an outpatient mental health evaluation. Commanders will discuss the need for a referral with one the following CNG Mental Health Officers: LTC Eric Frye at (916) 710-2940 or MAJ Michael Masters at (916) 826-4917. The referral will be made using the following form:

HFL Form 222-CDE - Commander's Request for Mental Health Evaluation.

b. Ensure that a Service member is provided written notice of the referral and a copy of the referring memorandum.

(1) A brief factual description of the behaviors and/or verbal communications that led to the commanding officer's decision to refer the Service member for mental health evaluation will be provided under NATURE OF THE PROBLEM(S) and PROBLEMS WITH MILITARY PERFORMANCE sections. Complete all other sections as directed.

(2) The name or names of the mental healthcare provider(s) with whom the commanding officer consulted before making the referral. Mental health provider is defined as a licensed Clinical Psychologist, Clinical Social Worker, or Psychiatrist. If a consultation with a mental healthcare provider was not possible, the memorandum shall state the reason(s) why.

(3) Notification of the Service member's Statement of Rights under Pub. L. No. 102-484 (1992), Section 546 (reference (b)).

(4) The date, time, and place the mental health evaluation is scheduled. Details indicating the location of the evaluation and point of contact information will be provided by the State Surgeon's Office at (916) 854-3237.

(5) The titles and telephone numbers of other authorities including Staff Judge Advocate, Inspectors General, and Chaplains who can assist the Service member who wishes to question the necessity of the referral.

(6) The name and signature of the commanding officer.

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c. Have the Service member acknowledge that he or she has been advised of both; the reason for the referral for mental health evaluation, and of his or her rights by signing the memorandum. If the Service member declines, the commanding officer shall indicate on the memorandum and state the reason(s) for the Service member's refusal to sign the document.

d. Provide copies of the signed memorandum to the Service member and to the mental healthcare provider who shall conduct the evaluation of the Service member.

e. Commanding officers shall not offer Service members an opportunity to waive their rights to receive the written memorandum and statement rights as described above.

f. Inform the Service member that transportation to the evaluation will be arranged by the State Surgeon's Office, at no expense to the Service member, if they are unable to secure transportation.

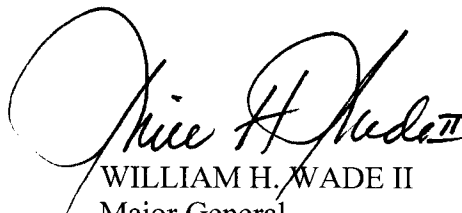
g. The State Surgeon's Office will receive the results of the mental health evaluation, and the State Surgeon will make a determination for fitness for duty based on the findings provided in the evaluation. The commander initiating the evaluation will be advised of the State Surgeon's decision and any administrative requirements pertaining to the Service member's status in the California National Guard. The Service member will be advised of the State Surgeon's findings based on the evaluation, along with any requirements for continued service, profile, or separation.

Mental Health Provider will:

a. Educate commanders regarding the process of referring Service members for mental health evaluations. Assess whether referrals are appropriate. Ensure that the commander follows the above procedures protecting the Service members' rights.

b. Assist in arranging the necessary evaluation through the State Surgeon's Office in a timely manner.

4. Please contact the California National Guard Mental Health Office for any further questions or assistance at (916) 854-3019.



WILLIAM H. WADE II
Major General
The Adjutant General